

RECEIVED
CENTRAL FAX CENTER

APR 12 2007

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
Approved for use through x/x/200x. OMB 0651-009x
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 012.P53011	
CERTIFICATE OF TRANSMISSION I hereby certify that this correspondence is being submitted via facsimile (571.273.8300) or EFS or USPS to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>April 12, 2007</u> Signature <u>Kathryn L. Pundt</u> Typed or printed name Kathryn L. Pundt		Application Number 09/836,985	Filed 4/17/2001
		First Named Inventor Alfred C. She	
		Art Unit 2135	Examiner Thanhnga B. Truong
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 29,695 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

<u>Gregory C. Ranieri</u> Signature Gregory C. Ranieri Typed or printed name 503.439.6500 Telephone number April 11, 2007 Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED
CENTRAL FAX CENTER**

Attorney Docket No. 012.P53011

Patent Application No. 09/836,965

APR 12 2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Alfred C. She
Application No.: 09/836,965
Filed: 4/17/2001
Confirmation No. 8500
For: PIPELINED DECIPHERING ROUND
KEYS GENERATION
Examiner: Thanhnga B. Truong
Art Unit: 2135
Attorney Ref. No.: 012.P53011

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted via
Electronic Filing System or facsimile (571-273-8300) or USPS to
the Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on:

Kathryn L. Pundt

4/12/2007

Name of Person Transmitting Correspondence

Date

Kathryn L. Pundt
Signature

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

**REASONS SUPPORTING
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

In support of the Pre-Appeal Brief Request for Review in the above-identified application, the following reasons are cited for the request for review. First, clear errors have been made in rejecting the claims. Second, the reference as explained by the Examiner has been misapplied to the claims.

I. CLEAR ERRORS IN THE REJECTION OF THE CLAIMS

The Examiner has failed to recognize certain limitations from the rejected claims. The Examiner has stated in the Final Office Action and in the Advisory Action that 'features upon which applicant relies (i.e., incremental; deciphering refers to an operation and/or process used in block encryption/decryption; and the deciphering is incremental because a round key can only partially decipher the ciphered text block) are not recited in the rejected claim(s).'

Claim 1 clearly calls for:

*incrementally deciphering a ciphered text for a first round using
the real time generated first deciphering round key to generate a partially
deciphered text;*

... and

*incrementally deciphering the partially deciphered text for a
second round using the real time generated second deciphering round key.*

Attorney Docket No. 012.P53011

RECEIVED
CENTRAL FAX CENTER

Patent Application No. 09/836,965

APR 12 2007

Since these limitations appear in claim 1, they should be given weight by the Examiner.

II. MISAPPLICATION OF THE REFERENCE TO THE CLAIMS

The Examiner has interpreted Wright reference and misapplied it to the claims. In the Advisory Action, the Examiner makes it clear that Wright teaches that:

1. a second cipher stream is used to encrypt a plaintext packet and then a different indexed second cipher stream is used to encrypt a subsequent plaintext packet; and
2. in another instance, a second cipher stream is used to encrypt a plurality of plaintext packets.

As explained by the Examiner own words, Wright does not teach the use of incremental deciphering. No reference teaches the use of incremental deciphering wherein a first round key generates partially deciphered text from the ciphered text and wherein a second round key is then applied to the partially deciphered text. *See claim 1.* Only in claim 1, for example, is there such a teaching involving incremental deciphering, in other words, the deciphering of ciphered text in increments using a different round key for each separate round of the incremental deciphering.

CONCLUSION

For at least the reasons set forth above, the review should find that the reference has been misapplied to the claims and, as a result, cannot support a *prima facie* case of unpatentability under 35 U.S.C. §102 or 35 U.S.C. §103. In addition, the review should find that clear errors were made in the rejection of the claims. It is respectfully requested that the review find in favor of withdrawing the rejections.

Attorney Docket No. 012.P53011

Patent Application No. 09/836,965

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 50-3703.

Respectfully submitted,

Dated: April 11, 2007

By /Gregory C. Ranieri, Reg. No. 29,695/
Gregory C. Ranieri, Attorney
Registration No. 29,695

Customer No. 43831
Berkeley Law and Technology Group, LLP
1700 NW 167th Place, Suite 240
Beaverton, OR 97006
Phone: 503.439.6500

cc: Docketing